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IMMIGRANT LEGAL RESOURCE CENTER

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 IMMIGRANT LEGAL RESOURCE CENTER,

13 Plaintiff,

14 vs.

15 UNITED STATES DEPARTMENT OF
16 HOMELAND SECURITY; UNITED STATES
17 IMMIGRATION AND CUSTOMS
ENFORCEMENT,

18 Defendants.
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Case Number: 17-cv-06029-DMR

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

1 **WHEREAS**, on October 20, 2017, Plaintiff Immigrant Legal Resource Center (ILRC) filed a
 2 complaint under the Freedom of Information Act (FOIA), alleging that Defendants Department of
 3 Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) failed to comply with
 4 their fundamental obligations under FOIA by neither issuing a determination within 30 days of
 5 ILRC's June FOIA request nor producing responsive records;

6 **WHEREAS**, on December 13 2017, Defendants produced 232 pages of documents and 10
 7 spreadsheets to Plaintiff, with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

8 **WHEREAS**, on September 13, 2018, Defendants produced 569 pages of documents to Plaintiff,
 9 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

10 **WHEREAS**, on October 11, 2018, Defendants produced 531 pages of documents to Plaintiff,
 11 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

12 **WHEREAS**, on November 16, 2018, Defendants produced 878 pages of documents to Plaintiff,
 13 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

14 **WHEREAS**, on December 17, 2018, Defendants produced 852 pages of documents to Plaintiff,
 15 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

16 **WHEREAS**, on January 30, 2019, Defendants produced 1,104 pages of documents to Plaintiff,
 17 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

18 **WHEREAS**, on February 15, 2019, Defendants produced 1,110 pages of documents to Plaintiff,
 19 with portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

20 **WHEREAS**, on March 6, 2019, Defendants produced 898 pages of documents to Plaintiff, with
 21 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

22 **WHEREAS**, on April 4, 2019, Defendants produced 874 pages of documents to Plaintiff, with
 23 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

24 **WHEREAS**, on April 12, 2019, an additional 33 pages of documents were produced to the
 25 Plaintiff by the United States Marshals;

26 **WHEREAS**, on May 7, 2019, Defendants produced 941 pages of documents to Plaintiff, with
 27 portions withheld pursuant to FOIA exemptions (b)(5), (b)(6), and (b)(7);

28 **WHEREAS**, Defendants have agreed to continue processing documents at a rate of 1,000 pages

per month and expect to make their final release in June 2019;

WHEREAS, the parties are meeting and conferring regularly, and wish to have more time to continue to work cooperatively toward a final resolution, which will likely involve meeting and conferring over some of the redactions and withholdings;

WHEREAS, the parties agree that Plaintiff has reserved its right to challenge Defendants' asserted exemptions in this litigation;

WHEREAS, a Case Management Conference is currently set for 1:30 p.m. on June 5, 2019;

WHEREAS, the parties agree that continuing the current date for the Case Management Conference and associated deadlines to allow the parties to continue their settlement discussions will serve judicial economy and conserve resources;

WHEREAS, a [Proposed] Order is filed concurrently herewith;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties, and the Court's approval as to the following is hereby requested that: the June 5, 2019, Case Management Conference be continued to September 25, 2019, or as soon thereafter as the Court's calendar will permit.

Dated: May 28, 2019

/s/ W. Hardy Callcott
Counsel for Plaintiff

Dated: May 28, 2019

/s/ Wendy M. Garbers
Assistant United States Attorney
Counsel for Defendants

CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that I have conferred with Wendy M. Garbers, counsel for Defendants, regarding this filing. Ms. Garbers has represented that she concurs in the filing of this document and that I am authorized to file it on her behalf.

W. HARDY CALLCOTT

Dated: May 28, 2019

/s/ W. Hardy Callcott

W. Hardy Callcott

Counsel for Plaintiff

[PROPOSED] ORDER

Having duly considered the Stipulation to Continue Case Management Conference filed by the parties in this action on May 28, 2019, (the “Stipulation”) and good cause showing:

IT IS HEREBY ORDERED that for the reasons set forth in the Stipulation the June 5, 2019, Case Management Conference be continued to September 25, 2019, or as soon thereafter as the Court’s calendar will permit.

IT IS SO ORDERED.

Dated: _____

HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT COURT OF CALIFORNIA